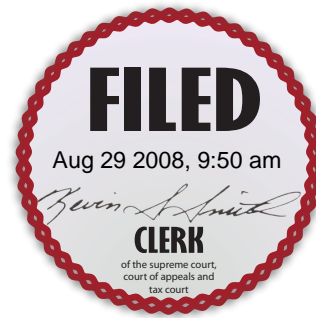


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

T.H.,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 49A02-0801-JV-64
)	
STATE OF INDIANA,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn A. Moores, Judge
The Honorable Scott Stowers, Magistrate
Cause No. 49D09-0709-JD-2864

August 29, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Respondent T.H. was adjudicated a delinquent child to the offenses of Auto Theft, a Class D felony¹ if committed by an adult, and Resisting Law Enforcement, a Class D felony² if committed by an adult. Upon appeal, T.H. challenges the sufficiency of the evidence to support his delinquency adjudication for auto theft. We affirm.

FACTS AND PROCEDURAL HISTORY

On September 11, 2007, Richard Moreland realized that his new 2007 orange, four-door Honda Element with Washington license plates had been stolen from his house. On September 12, 2007, while responding to a call for backup, Officer Jackson of the Indianapolis Metropolitan Police Department spotted an orange Honda Element with Washington plates. Officer Jackson remembered a vehicle of the same description being listed as recently stolen. After looking at her “hot sheet”³ to confirm this, she turned on her lights and sirens and pursued the Element. A short chase led into an apartment driveway, where T.H., who was driving the Element, jumped out while it was moving and continued to flee by foot. T.H. was apprehended, arrested, and transported to the juvenile center.

On September 13, 2007, the State alleged T.H. was a delinquent child to the offenses of auto theft, resisting law enforcement (two counts), possession of

¹ Ind. Code § 35-43-4-2.5(b) (2007).

² Ind. Code § 35-44-3-3(a) (2007).

³ A “hot sheet” is a listing of vehicles reported stolen from the previous twenty-four hours.

marijuana/hashish, and unlawful entry of a motor vehicle. On September 13th or 14th Moreland received a message from the Indianapolis police that his Element had been recovered and was in their impound yard. Upon picking up his Element, Moreland found dents in the vehicle that had not previously been there.

On December 5, 2007, a denial hearing was held, during which the court adjudicated T.H. delinquent based upon the auto theft count and one count of resisting law enforcement. At the dispositional hearing, the court ordered T.H.'s wardship to be placed with the Department of Correction, but it suspended his commitment and placed him on probation. T.H. now appeals.

DISCUSSION AND DECISION

When the State seeks to have a juvenile adjudicated to be a delinquent for committing an act which would be a crime if committed by an adult, the State must prove every element of the crime beyond a reasonable doubt. *J.R.T. v. State*, 783 N.E.2d 300, 302 (Ind. Ct. App. 2003), *trans denied*. Upon review of a juvenile adjudication, this court will consider only the evidence and reasonable inferences supporting the judgment. *Id.* We will neither reweigh the evidence nor judge witness credibility. *Id.* If there is substantial evidence of probative value from which a reasonable trier of fact could conclude that the respondent was guilty beyond a reasonable doubt, we will affirm the adjudication. *Id.*

To support a true finding to the offense of auto theft, the State was required to prove that T.H. knowingly or intentionally exerted unauthorized control over the motor vehicle of another person with intent to deprive the owner of the

vehicle's use or value. *See* Ind. Code § 35-43-4-2.5(b). T.H. argues that there was insufficient evidence to support the court's auto theft adjudication, specifically because the State never established that the car in T.H.'s possession was a stolen car. We disagree.

While it is true that the State never presented any records from the Bureau of Motor Vehicles and that no testimony was given regarding the Vehicle Identification Number, circumstantial evidence is generally sufficient to establish identity or ownership of stolen property, and cases uniformly support conviction for theft of an automobile where neither the license plate numbers nor registration certificates are used for identification purposes.⁴ *See Thomas v. State*, 423 N.E.2d 682, 685 (Ind. Ct. App. 1981). A conviction may be sustained on circumstantial evidence alone. *Id.* This case offers overwhelming circumstantial evidence that the vehicle in question was stolen.

Officer Jackson testified that she remembered the vehicle in question as being listed as recently stolen. Additionally, during her testimony the following exchange occurred:

Q: What did you do?

A: I had the hot sheet and on the hot sheet [the vehicle T.H. was driving] was listed a stolen vehicle at the time.

⁴ We recognize that in the recent case of *Pryor v. State*, 889 N.E.2d 369 (Ind. Ct. App. 2008), this court reversed an auto theft conviction on sufficiency grounds because the State failed to prove the stolen vehicle actually belonged to the person named in the charging information. Unlike *Pryor*, where the owner did not testify, in the instant case Moreland testified that the vehicle belonged to him.

Tr. p. 10. In following the Element with her lights and sirens on, Officer Jackson found the driver, T.H., to be evasive, and she watched him exit the vehicle while it was still in motion. In addition, Officer Jackson saw the Element sustain a dent when it hit the curb after T.H. had exited it.

A reasonable trier of fact could conclude based on Officer Jackson and Moreland's testimony, the date the vehicle was stolen, and T.H.'s arrest date that the orange, four-door Honda Element with Washington plates in which T.H. was caught driving was the same orange, four-door Honda Element with Washington plates that was stolen from Richard Moreland. *See Trotter v. State*, 838 N.E.2d 553, 557 (Ind. Ct. App. 2005) (finding that confirmation that the vehicle in question was stolen combined with the true owner picking up his vehicle from the police station on the same day the suspect was arrested for the auto theft permits a reasonable inference the suspect was driving the true owner's car). The evidence is sufficient to support a true finding of auto theft.

The judgment of the juvenile court is affirmed.

RILEY, J., and BAILEY, J., concur.